

NETHERLANDS ORANGE BOOK

SUMMARY

OF THE PRINCIPAL MATTERS DEALT WITH BY
THE MINISTRY OF FOREIGN AFFAIRS IN
CONNECTION WITH THE STATE OF WAR
UP TILL NOVEMBER 1939 AND SUITABLE
FOR PUBLICATION

ISSUED WITH THE APPROVAL OF THE MINISTRY OF
FOREIGN AFFAIRS AT THE HAGUE



1940

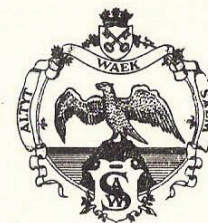
LEYDEN 1940
A. W. SIJTHOFF'S UITGEVERSMAATSCHAPPIJ N.V.
(PUBLISHING Co., Ltd.)

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CHAPTER I.

ACTIVITIES FOR THE PRESERVATION OF PEACE.

When in the course of the month of August the international situation became more and more threatening, and the hope of a compromise being arrived at between the Powers concerned seemed hardly capable of fulfilment, the Netherlands twice took part in an attempt to prevent the outbreak of hostilities. This took place the first time when, on the 23rd August, the King of the Belgians, speaking also in the name of the Queen and the Heads of the States of Denmark, Finland, Luxemburg, Norway and Sweden, made an appeal through the radio for the preservation of peace; the second time it took the form of an offer of good services to the Powers between whom hostilities threatened.

I. THE APPEAL OF 23rd AUGUST.

In June 1938 at Copenhagen the Oslo-States, represented by their Ministers of Foreign Affairs, had agreed to maintain the mutual contact by investigation of the questions of common interest, and they had stated that, as far as they were concerned, they were prepared to co-operate actively in every international effort for conciliation in a spirit of impartiality and independence with respect to the various groups of powers.

The critical situation towards the end of August caused these States to decide to hold a meeting at Brussels, where they were to be represented by their Ministers of Foreign Affairs. This meeting took place on the 23rd August. The representatives expressed their agreement with the wording of a declaration that His Majesty the King of the Belgians was to make in the name of the Heads of the States concerned. That same evening King Leopold made his appeal through the radio, the English text of which runs as follows :

"The declaration that I am about to read out is made in the Palace at Brussels in the presence of the Ministers of Foreign Affairs and in the name of the Heads of State of the Oslo-group.

The world is experiencing a period of such tension that every normal co-operation among the States threatens to become impossible. Great Powers are taking measures which almost amount to a mobilisation of their armed forces. Must the smaller Powers not fear to become the victims of a possible conflict into which they would be dragged against their own will, notwithstanding their policy of indisputable independ-

ence and their firm will to remain neutral? Are they not exposed to becoming the objects of arrangements arrived at without their being consulted?

Even without the commencement of hostilities, the world is menaced with an economic collapse. Distrust and suspicion prevail everywhere.

Under our eyes the camps are forming, the armies are gathering, a horrible struggle is being prepared in Europe. Is our continent going to commit suicide by plunging into a terrible war which will know neither victor nor vanquished, but in which all spiritual and material values, created by the civilisation of centuries, will be destroyed?

The war psychosis is penetrating every house, and although public opinion is fully alive to the unthinkable disaster a conflagration would mean for the whole of humanity, it is giving way more and more to the thought that we shall inevitably be dragged into it. It is necessary to resist such fatal resignation.

There is not a nation — we emphasise this strongly — that would send its children to death in order to deprive other nations of the right of existence they demand for themselves.

Certainly the interests of all States are not the same. But are there indeed interests that it is not possible to bring to agreement in a peaceful manner, and cannot that be done infinitely better before than after a war?

May the conscience of the world be aroused. The worst may yet be avoided. But time is pressing. The evolution of events may soon render any direct contact still more difficult.

Let there be no mistake. We know that the right to be able to live must rest on a firm foundation, and the peace we desire is the peace which rests on the respect of all States. A durable peace cannot be established on force, but solely on a moral order.

Does not wisdom at this moment command a truce in the conflict with words, incitements and threats, in order to decide to deliberate on the problems? We solemnly express the wish that the men on whom the course of events depend, will be prepared to submit their differences and demands to negotiation instituted in a spirit of brotherly co-operation.

It is from this consideration that, in the name of H.M. the King of Denmark, the President of the Finnish Republic, H.R.H. the Grand Duchess of Luxemburg, H.M. the Queen of the Netherlands, H.M. the King of Norway, H.M. the King of Sweden, and in My own name, each of us acting in accordance with our Government, I make this appeal.

We express the hope that other Heads of States will add their support to ours, animated by the same care for the peace and safety of their peoples.

Presently hundreds of millions will join us with all their hearts to check the race towards war.

May those in whose hands the fate of the world rests respond to these feelings and realise the wish many times expressed by them of regulating the difficulties which separate them in a peaceful manner.

But only then will a great hope be revived, which may dispel the

heavy atmosphere of fear oppressing the world, just as the sea breeze drives away the mist and bestows light on the earth again''.

2. THE OFFER OF GOOD SERVICES.

When, after the appeal for peace pronounced by King Leopold, the European situation appeared to change for the worse, the Queen and the King of the Belgians agreed to venture on one more effort to facilitate the bringing about of a compromise between the parties. Both at Brussels as well as at The Hague, late in the evening of the 28th August, the Ministers of Great Britain, France, Germany, Italy and Poland, were requested to attend at the Ministry of Foreign Affairs in order to receive a communication. Each of them was verbally informed that the Queen and the King of the Belgians were prepared, if this was desired by the parties, to lend their good services jointly in order to bring the parties together. The offer was addressed to the German, the French, the British, the Italian and the Polish Governments.

On the part of the Netherlands and Belgium no publicity was given to this offer, in order to avoid premature publication hampering any introductory discussions. The news of this step first came from abroad. The initiative of the two sovereigns met with a favourable reception in principle; alas! it was unable to prevent the war.

CHAPTER II.

NEUTRALITY OF THE NETHERLANDS.

I. THE ATTITUDE OF THE POWERS WITH RESPECT TO THE NEUTRALITY OF THE NETHERLANDS.

On the 26th August Her Majesty the Queen gave an audience to the German Minister in the presence of the Minister for Foreign Affairs. Graf von Zech Burkersroda informed Her Majesty concerning the attitude of Germany with respect to the Netherlands in the event of war proving inevitable.

German declaration.

TRANSLATION.

With respect to the Netherlands, in accordance with the traditional friendly relations between the two countries and taking into consideration the well-known policy of independence of the Netherlands, we are determined to adopt an attitude which will under no circumstances injure the inviolability and integrity of the Netherlands and at all times respects Netherlands territory. We, however, on our part naturally expect that, in the event of a conflict, the Netherlands will observe a strict neutrality towards us. This requires especially that the Netherlands shall not suffer infractions which third parties might make of its neutrality, but will resist these with all available means. If in the event of such an infraction

of neutrality, contrary to our expectations, the attitude of the Netherlands should be otherwise, we should then, of course, be compelled to protect our interests in a manner which the situation of the moment might render necessary.

On the 1st September the British Minister handed to the Minister of Foreign Affairs the following declaration :

British declaration.

If in the event of a European war the Netherlands adopt an attitude of neutrality, His Majesty's Government will, in accordance with their traditional policy, be resolutely determined to respect this neutrality fully, provided that it is respected by other Powers.

2. THE PROCLAMATION OF NEUTRALITY.

On the morning of the 1st September the first acts of war took place between Germany and Poland, a state of war between Germany on the one hand and France and the British Empire on the other hand arising soon after.

Thereupon followed the publication in the Staatsblad (State Gazette) no. 188 and in the extra number of the Nederlandsche Staatscourant of the 3rd September, of the following proclamation of neutrality :

The Ministers of General Affairs ad interim, of Foreign Affairs, of Justice, of Defence and of Colonies, empowered by Her Majesty the Queen for this purpose, make known to all whom it may concern, that the Netherlands Government will observe strict neutrality with regard to the state of war that has arisen between some foreign Powers, and that for the maintenance of that neutrality the following regulations have been laid down.

Article 1.

(1) No hostilities whatever are allowed within the jurisdiction of the Kingdom of the Netherlands, comprising the territory and inland waters of the Netherlands, the Netherlands-Indies, Surinam and Curaçao, the territorial waters and the air space above this territory, these inland waters and these territorial waters. Belligerents are forbidden to use this jurisdiction as a basis for operations against their enemy.

(2) The term "territorial waters" denotes the belt of coastal sea up to a distance of three nautical miles of sixty in the degree latitude, measured from the line of low-water mark. With regard to bays this distance of three nautical miles is measured from a straight line drawn across the opening of the bay ; if the opening of the bay exceeds ten nautical miles, the line will have to be drawn at the first place starting from the opening at which the width of the bay does not

exceed ten nautical miles. The roadsteads, the limits of which have been fixed by the Government, are included in the territorial waters, even if their limits extend beyond three nautical miles as measured from the line of low-water mark.

Article 2.

The belligerents are prohibited from :

- 1st. Occupying by their armed forces any part of the jurisdiction ;
- 2nd. entering or passing this jurisdiction with troops or units thereof or with convoys. The term "convoy" denotes : transports under military escort and also transports without military escort, if having the character of transit of supplies sent by a belligerent Government to its armed forces (étappenvervoer) ;
- 3rd. entering or passing this jurisdiction with
 - a. ships of war and transports (troopships) ;
 - b. merchant vessels under the flag of one of the belligerents, the construction, equipment or manning of which gives good reason to suppose that they have been used in the period immediately preceding as a ship of war, mine-layer, troopship, or are to be used for such purpose in the period immediately following ;
 - c. merchant vessels under the flag of one of the belligerent parties, provided with charged mines ;
 - d. merchant vessels under the flag of one of the belligerent parties, having on board military aircraft ready for immediate use ;
- 4th. entering or passing this jurisdiction with military aircraft, aircraft for transport of troops or aircraft in a condition enabling them to execute an immediate attack.

Article 3.

Merchant vessels defensively armed are not admitted to the ports and roadsteads unless they have fulfilled the conditions prescribed by the local authorities in the interest of safety, and only in a number to be fixed by the local authorities in connection with the safety of the country and provided the number of guns above 8 cM. calibre does not exceed two and provided their calibre is less than 16 cM. and the strength of their crew does not surpass considerably the normal strength of the crew of merchant vessels.

Article 4.

(1) Troops and units thereof, belonging to the belligerents when entering the jurisdiction shall be disarmed and interned.

(2) Belligerent ships of war and vessels assimilated thereto under

Art. 2, sub 3rd, shall be interned with their crews and military passengers when acting contrary to the stipulations of Art. 2 or 8.

(3) Military aircraft of the belligerents and aircraft assimilated thereto under Art. 2, sub 4th, shall be interned with their crews and military passengers when coming within the jurisdiction. They will be forced to land or to alight, if they do not land or alight voluntarily. If such aircraft are within the jurisdiction at the moment of the issuing of the Neutrality Proclamation, they shall be interned.

(4) Aircraft, mounted on board ships of war (aircraft carriers or others) or on board vessels assimilated thereto under Art. 2, sub 3rd, will be considered as forming part of such vessels provided they remain in rest during their stay within the jurisdiction (Art. 6 or 8). If not complying with this condition they will be treated as military aircraft.

Article 5.

Contrary to the provision of Art. 4 the following persons shall not be interned :

1st. Persons shipwrecked at sea, reaching the land, or being brought from the sea on shore by a merchant vessel or a non-military aircraft, sick and wounded taken on board by such vessel or aircraft at sea and brought ashore, unless an undertaking has been given to the other party with respect to internment and unless the shipwreck, respectively the taking on board of sick and wounded, has taken place within the jurisdiction and the entrance of the vessel in the jurisdiction was forbidden according to the rules of this proclamation ;

2nd. the military passengers and crew of a merchant vessel not covered in the provisions of Art. 2, which comes within the jurisdiction exclusively in order to call at a port or roadstead.

Neither shall be interned :

3rd. prisoners of war who have escaped ;

4th. deserters.

Article 6.

The provisions of Art. 2, sub 3rd, and Art. 4, paras. 2 and 3 shall not be applicable to :

1st. Ships of war or vessels assimilated thereto under Art. 2, sub 3rd, with respect to which it has been made plausible, that they have been forced by damage or by the existing sea conditions to enter one of the ports or roadsteads of the Kingdom, provided this does not take place during a pursuit by the enemy.

These vessels are allowed to repair their damages in the port at which they called whatever be the cause—in so far as repairs are indispensable for seaworthiness and without in any way whatsoever increasing their fighting power. They must leave as soon as the

circumstances have ceased, which rendered necessary the entrance in the jurisdiction. The Government may fix a time-limit, after which the internment of the vessel, the crew and the military passengers will follow. Members of the crew and military passengers, who remain behind at the departure of the vessel, shall be interned ;

2nd. belligerent ships of war or vessels assimilated thereto under Art. 2, sub 3rd, which can prove that their arrival within the jurisdiction has taken place quite unintentionally and notwithstanding the circumstances that the most complete precautions to avoid such entrance had been taken ;

3rd. belligerent ships of war or vessels assimilated thereto under Art. 2, sub 3rd, and belligerent aircraft or aircraft assimilated thereto under Art. 2, sub 3rd, and 4th, which are exclusively used for a religious, scientific or humanitarian purpose.

Article 7.

Amongst the straits entirely situated within Netherlands jurisdiction, connecting open seas, the straits of Sunda are open for the passage of belligerent ships of war or the vessels assimilated thereto under Art. 2, sub 3rd, provided the commanders of these ships notify their desire to the patrol vessels (*bewakingsvaartuigen*) present on the spot, and comply strictly to the prescription of Art. 1 and to the prescriptions of the authorities concerned.

Article 8.

A belligerent ship of war or a vessel assimilated thereto under Art. 2, sub 3rd, present within the jurisdiction at the outbreak of the war, must leave within the time-limit fixed by the local authorities.

Article 9.

(1) If in the case of Art. 6 or 8 ships of war, or vessels assimilated under Art. 2, sub 3rd, belonging to opposing belligerents, are simultaneously within the jurisdiction of the Kingdom, in each other's vicinity, a period of not less than 24 hours must elapse between the departure of vessels belonging to different belligerent parties. The order of departure will be, except in special circumstances, determined by the order of arrival.

(2) A ship of war or a vessel assimilated thereto under Art. 2, sub 3rd, of one of the belligerents is not allowed to leave the same or a near port or roadstead until 24 hours after the departure of a merchant vessel flying the flag of its adversary.

Article 10.

(1) When a belligerent ship of war or a vessel assimilated thereto under Art. 2, sub 3rd, is in the jurisdiction at the outbreak of the war,

it is allowed to replenish its victuals and water up to the normal stores and the fuel up to a quantity, including the stock still on board, as is necessary in order to enable the ship to reach the nearest port of their own country or that of an ally.

(2) Vessels, which, according to Art. 6, sub 1st, are admitted in the jurisdiction on account of damage, or the existing sea conditions, are allowed to supply their victuals, water and fuel, in so far as required for consumption during their stay.

Article 11.

Prizes are not admitted within the jurisdiction. If a prize enters the jurisdiction, it shall be released with its *crew and passengers*. The prize crew shall be interned, unless the entering of the jurisdiction was necessary as a consequence of damage or the existing sea conditions.

Article 12.

War materials thrown from the sea on the coasts of the Country or found in the sea and brought on shore, shall be interned or, if necessary for public safety, destroyed.

Article 13.

The forming of military corps or the opening of enlistment offices in the interest of belligerents within the jurisdiction is prohibited.

Article 14.

Enlisting within the jurisdiction on board ships of war of belligerents or on vessels assimilated thereto under Art. 2, sub 3rd is prohibited.

Article 15.

It is forbidden within the jurisdiction to equip to arms or to men, on behalf of a belligerent, vessels intended for military purposes, or to procure or deliver such vessels to a belligerent.

Article 16.

It is forbidden to furnish within the jurisdiction belligerent ships of war or vessels assimilated thereto under Art. 2, sub 3rd, with arms or munitions, and to help them in any way in increasing their crew or equipment.

Article 17.

It is forbidden, failing previous authorisation by the competent local authorities, to proceed within the jurisdiction to repairs of belligerent ships of war or vessels assimilated thereto under Art. 2, sub 3rd, and to procure them materials for repairs, tools, victuals, water or fuel.

Article 18.

(1) It is forbidden to keep within the jurisdiction stocks of arms, munitions, materials for repairs, tools, fuel and all materials necessary for warfare with the apparent purpose to await the opportunity to forward them to the naval forces of a belligerent in the neighbourhood of the jurisdiction.

(2) It is also forbidden to forward arms, munitions, materials for repairs, tools, fuel and all material necessary for warfare from a place within the jurisdiction directly to the naval forces of belligerents which are staying in its neighbourhood.

Article 19.

(1) The departure from the jurisdiction is forbidden for every aircraft:

1st. that has been brought into a condition within the jurisdiction enabling it to carry out a hostile attack;

2nd. that carries or is accompanied by appliances or materials, the mounting or utilisation of which would enable it to make a hostile attack;

3rd. that may be supposed to be intended to be used during the voyage against one of the belligerents;

4th. the crew of which includes a member of the armed forces of one of the belligerents;

(2) The prescription of the first paragraph of this article is not applicable to neutral military aircraft, which, after the outbreak of the war, have entered the jurisdiction with the consent of the Government.

(3) It is forbidden to execute any work on an aircraft, if that work intends to make it ready for departure contrary to the purpose of this article.

Article 20.

It is forbidden within the jurisdiction to carry out by means of aircraft of whatever character observations in the air concerning the movements, operations or measures of defence of one of the belligerents, with the purpose of informing the other belligerent.

Article 21.

It is forbidden within the jurisdiction to erect or exploit radiostations or other means of communication in the interest of a belligerent power.

Article 22.

(1) It is forbidden within the jurisdiction to make use of radiostations for the transmission of information about the armed forces staying outside the jurisdiction.

(2) Vessels or aircraft within the jurisdiction are not allowed to make use of their radiostations otherwise than for signals of distress, for signals necessary for navigation and for meteorological purposes.

Article 23.

(1) Attention is further directed to Art. 100, sub 1st, and 205 of the Netherlands Penal Code, Art. 122, sub 1st and 238, Netherlands Indies Penal Code, Art. 106, sub 1st, and 211 of the Surinam Penal Code (Artt. 106, sub 1st, and 211 of the Curaçao Penal Code); to Art. 7, sub 4th of the law of Netherlands citizenship of 1892 (lastly published in Official Journal 1937, no. 206); to Art. 2 first paragraph sub 3rd of the law on Netherlands Onderdaanschap of Febr. 10, 1910 (Official Journal 1910, no. 55, Netherlands Indies Official Journal 1910, no. 206, Gouvernementsblad 1910, no. 15, Publicatieblad 1910, no. 14), modified lastly by the law of 21st December 1936 (Official Journal 1936, no. 913, Netherlands Indies Official Journal 1937, nos. 389 and 392, Gouvernementsblad 1937, nos. 68 and 71, Publicatieblad 1937, nos. 64 and 66).

(2) The attention of captains, shipowners, pilots of aircraft, directories of airways and inloaders of ships or aircraft, is further drawn to the danger and the prejudice to which they would expose themselves by not respecting an effective blockade of belligerents or by transporting contraband of war or military messages (except in regular postal service) for belligerents or by rendering them services contrary to neutrality.

CHAPTER III.

VIOLATIONS OF NETHERLANDS TERRITORY.

I. VIOLATIONS BY AEROPLANES.

In contrast with the previous war, when violations of Netherlands territory by aeroplanes only comparatively seldom occurred, such incidents have now occurred a number of times.

From the very beginning of the conflict, orders had been given to the military forces of the Netherlands to fire at every unknown aeroplane, except at civil aeroplanes which kept to prescribed routes. In all cases where this proved possible, therefore, fire was opened at aeroplanes flying across. Many a time Netherlands fighters have ascended to drive away aeroplanes that were signalled above our jurisdiction. If the nationality of the aeroplanes was not established sufficiently, information was asked of both parties. Further, whenever possible, protests were lodged. In cases where the facts were established incontestably also for the other party, apologies were made, which more than once were also expressed spontaneously. In

the few cases where a landing took place on the territory internment followed. Treatment of the cases separately would fall outside the scope of this summary.

2. VIOLATIONS BY SHIPS.

Once only has Netherlands neutrality been violated by a ship. This violation took place by the British gunboat "*Leith*", which, on the way from New Zealand to Singapore, passed through Riouw Strait on the 13th September, which strait has a minimum width of only two nautical miles. Her Majesty's Minister in London was instructed to draw the attention of the British Government to this infringement of Netherlands neutrality regulations and to ask for a thorough investigation, as well as measures to avoid a repetition. Meanwhile the "Commodore Malaya", Rear-Admiral Drew, on being informed by the British Consul-General at Batavia that the Netherlands Indies Government had lodged a protest against the passing through of the Riouw Strait by a British warship, had offered his sincere apologies to the Netherlands Consul-General at Singapore for what had happened, emphatically declaring that it was not done intentionally, as neither he himself, nor the commander of the "*Leith*", was in possession of the Netherlands proclamation of neutrality at the moment of the infringement.

CHAPTER IV.

ATTACKS ON NETHERLANDS AEROPLANES.

On the 13th September the Netherlands naval plane R 5, which was charged with patrolling along the coast, was attacked outside the territorial waters by a German plane and forced to descend. On landing the Netherlands plane, a float of which was badly damaged and the instrument panel destroyed, crashed. Only then did the German aviators, according to their declaration, notice that they had to do with a Netherlands plane. The attackers thereupon landed and saved the four men on board of the destroyed plane, whom they took to their base on Norderney. The German Government immediately expressed their regret at what had happened at The Hague. At the same time a plane was offered to replace the destroyed one. The crew of the Netherlands machine, two of whom were slightly wounded, were then repatriated.

In this connection it should be mentioned that this incident was the cause of the distinctive marks of the planes of the Netherlands air force being altered to prevent a repetition of such a fatal error.

The second Netherlands flying machine that fell a victim to being shot at above the North Sea, was the K.L.M. plane PH-ASM, named "*Mees*". On a voyage from Copenhagen to Amsterdam this plane was fired at by a German naval plane. The plane was seriously damaged

and a passenger, the Swedish engineer G. R. Lamm, was fatally wounded by a bullet. The next day the German temporary deputy, accompanied by the aviation attaché of the German embassy, went to the Ministry of Foreign Affairs to express their regret, in the name of the German Government and in the name of Field-Marshal Göring, for the firing at the "Mees" by a plane belonging to the German air force.

On the 17th October some Netherlands fighters were carrying out a patrol flight above the province of Groningen, when, above Weiwerd, Heveskes and Oterdum, they were fired at by German anti-aircraft guns from the direction of Emden. None of the flying machines was struck. When the patrol continued their flight, they were again shot at between Roodeschool and Rottumeroog, now presumably from the direction of Borkum. A projectile exploded among the patrol about 300 M. to the S.E. of Rottumeroog without striking any of the flying machines. Her Majesty's Minister at Berlin was instructed to protest against this violation of Netherlands neutrality and to request that measures be taken to prevent a repetition of such occurrences. The German Government apologised, but asserted that German territory had been flown over by the Netherlands planes.

CHAPTER V.

INTERFERENCE WITH THE FREEDOM OF TRAFFIC.

I. OBJECTIONS TO THE CONTRABAND LISTS OF THE VARIOUS POWERS.

Already immediately at the commencement of the present conflict, the following contraband lists were drawn up:

a. BRITISH CONTRABAND LIST.

Schedule I.

Absolute Contraband.

a. All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

b. Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles, or animals necessary or convenient for their use; materials or ingredients used in their

manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

c. All means of communication, tools, implements, instruments, equipment, maps, pictures, papers and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

d. Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

Schedule II.

Conditional Contraband.

e. All kinds of food, foodstuffs, feed, forage, and clothing and articles and materials used in their production.

b. FRENCH CONTRABAND LIST.

The French contraband list comprises the same goods as the British list.

c. GERMAN CONTRABAND LIST.

Prize Regulation.

Article 22.

(1) All objects and materials are considered as contraband (absolute contraband), which:

1. are immediately serviceable for the armament on land, at sea and in the air, and
2. are destined for enemy territory or for the enemy forces.

(2) It makes no difference whether the conveyance takes place direct, or a transshipment or forwarding over land is necessary.

Article 24.

(1) All objects and materials are considered as contraband (conditional contraband), which:

1. are to be used for war as well as peaceful purposes and are included in a list published by the Government, and
2. are destined for the use of the enemy forces or for the government organs of the enemy State.

(2) On condition of a similar line of conduct on the part of the enemy,

the objects and materials named in the first paragraph shall not be considered as contraband, if they are discharged in a neutral port.

(3) Paragraph 2 remains out of consideration if the enemy territory possesses no sea frontiers.

Alteration of the Prize Regulations.

An Act of the 12th September, 1939, coming into operation on this date, altered Article 22, paragraph 1 of the "Prize Regulations" of the 28th August, 1939, as follows:

The following objects and materials, which are destined for enemy territory or for the enemy forces, are considered as contraband (absolute contraband):

1. all kinds of weapons, their component parts and accessories;
2. ammunition and ammunition parts, bombs, torpedoes, mines and other kinds of projectiles; the apparatus intended for shooting or throwing these projectiles; gunpowder and explosive materials including percussion caps and fuses;
3. all kinds of warships and their component parts and accessories;
4. all kinds of military aeroplanes, their component parts with accessories, aeroplane motors;
5. tanks, armoured cars, armoured trains and all kinds of armour plates;
6. chemicals for use in warfare; the machines and apparatus intended for firing off or spreading these;
7. military clothing and outfits;
8. means of sending news, signal and military lighting means and their component parts;
9. means of transport and traffic and their component parts; draught animals, beasts of burden, riding animals;
10. all kinds of fuel; lubrication oils;
11. gold, silver, currency, evidences of debt;
12. instruments, tools, implements, machines and materials for the manufacture or for the use of the objects and products mentioned under Nos. 1—11.

List of conditional contraband.

The following announcement came into operation as and from the 14th September:

"The following objects and materials are considered as contraband (conditional contraband) under the conditions of Article 24 of the "Prize Regulations" of the 28th August, 1939.

Foodstuffs (including live animals), luxuries, fodder and clothing; objects and materials which are used in their manufacture."

NETHERLANDS PROTESTS.

These contraband lists gave reason for the Netherlands Government to take steps in London, Paris and Berlin. The following note was handed to the British Government, and a memorial in practically the same wording was sent to Paris:

The lists of absolute and conditional contraband contained in "schedule I and II", together with the proclamation of the 3rd September, 1939, give the Netherlands Government reason for the following observations. In the first place the field of the goods that are considered as contraband is extended to the infinite by the fact that not only are certain specified articles indicated as contraband, but moreover "articles necessary or convenient for their use; materials or ingredients serving in their manufacture", and even "articles necessary or convenient for the production or use of such materials or ingredients".

In this connection it is to be observed that whereas, e. g., metals as such are not indicated as contraband, nearly all metals fall under the above-mentioned indications. Likewise the British schedules have as a consequence that rubber, although not specially mentioned, falls under the designation of articles necessary for the manufacture of means of transport. On corresponding grounds, timber can be considered as absolute contraband by the British authorities and by the prize courts. There is hardly any material which does not fall under the extremely extensive definitions of the aforesaid schedules.

The system followed in the contraband list causes an inadmissible uncertainty for neutral shipping and trade, and, on the other hand, leaves the greatest freedom to the belligerents for the detention of ships and cargoes.

The principle that at all times has been the basis of the distinction between absolute and conditional contraband is that articles, which by their nature must be considered as exclusively intended for purposes of war, are absolute contraband, whereas the articles, which by their nature are suitable for purposes of war as well as for peaceful purposes, are considered as conditional contraband, and can only be treated as contraband and seized if it is established that they are destined for the military forces.

This distinction, which has for long been recognised by international law and is based on a perfectly reasonable principle, must be respected.

By the application of these contraband schedules, a large number of articles could be treated by the British authorities as absolute contraband, of which it is certain that they are indispensable for the life of the whole nation, for commerce, industry and traffic, where their activities have nothing to do with the military apparatus.

If, on the one hand, the practice of international law leaves a certain latitude to belligerents in the drawing up of contraband schedules, the limitations imposed by international law should not be lost sight of. The schedules affect directly the rights and interests of neutrals. This is particularly evident if it is considered that a neutral ship could be confiscated in case a certain proportion of the cargo (according to the declaration of London the half of the cargo) should consist of contraband. The possibility of declaring the ship confiscated, which depends on what must be considered as contraband of war, may not depend on the will of the belligerents, but must be bound to the principles of international law. It must not be lost sight of that the right of belligerents to seize contraband forms an exception to the principle of the freedom of the seas. Just because it is an exception, this right should be interpreted in a restrictive manner.

The Netherlands Government must reserve all its rights for those cases where it appears that, by the application of these contraband schedules, the interests of Netherlands subjects would be injured contrary to international law.

The following note was handed over in Berlin with reference to the amended German contraband schedules :

The lists of absolute and conditional contraband communicated by the German Government gives the Netherlands Government reason for the following observations. In the first place the field of the goods that are considered as contraband is extended to the infinite by the fact that not only are certain specified articles indicated as contraband, but moreover the tools and materials which are used in the manufacture of those articles.

In this connection it is to be observed that, whereas, e. g., metals as such are not indicated as contraband, nearly all metals fall under the above-mentioned indications. Likewise the German schedules have as a consequence that rubber, although not specially mentioned, falls under the designation of articles necessary for the manufacture of means of transport. On corresponding grounds, timber can be considered as absolute contraband by the German authorities and by the German prize courts. There is hardly any material which does not fall under the extremely extensive definitions of the aforesaid schedules.

The system followed in the contraband list causes an inadmissible uncertainty for neutral shipping and trade, and, on the other hand, leaves the greatest freedom to the belligerents for the detention of ships and cargoes.

The principle that at all times has been the basis of the distinction between absolute and conditional contraband is that articles, which by their nature must be considered as exclusively intended for purposes of war, are absolute contraband, whereas the articles, which by their nature are suitable for purposes of war as well as for peaceful purposes, are considered as conditional contraband, and can only be treated as

contraband and seized if it is established that they are destined for the military forces.

This distinction, which has for long been recognised by international law and is based on a perfectly reasonable principle, must be respected.

By the application of these contraband schedules, a large number of articles could be treated by the German authorities as absolute contraband, of which it is certain that they are indispensable for the life of the whole nation, for commerce, industry and traffic, where their activities have nothing to do with the military apparatus.

If, on the other hand, the practice of international law leaves a certain latitude to belligerents in the drawing up of contraband schedules, the limitations imposed by international law should not be lost sight of. The schedules affect directly the rights and interests of neutrals. This is particularly evident if it is considered that a neutral ship could be confiscated in case a certain proportion of the cargo (according to the declaration of London the half of the cargo) should consist of contraband. The possibility of declaring the ship confiscated, which depends on what must be considered as contraband of war, may not depend on the will of the belligerents, but must be bound to the principles of international law. It must not be lost sight of that the right of belligerents to seize contraband forms an exception to the principle of the freedom of the seas. Just because it is an exception, this right should be interpreted in a restrictive manner.

The Netherlands Government must reserve all its rights for those cases where it appears that, by the application of these contraband schedules, the interests of Netherlands subjects would be injured contrary to international law.

2. THE BRITISH "BLACK LIST".

Besides the extensive scope of the contraband schedules, the definition of the enemy in the British Trading "with the Enemy Act" might also entail undesirable consequences. The section of the said Act, in which this definition is inserted, reads as follows :

Trading with the Enemy Act.

2. — (1) Subject to the provisions of this section, the expression "enemy" for the purposes of this Act means :

- (a) any State, or Sovereign of a State, at war with His Majesty,
- (b) any individual resident in enemy territory,
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty ;

but does not include any person by reason only that he is an enemy subject.

(2) The Board of Trade may by order direct that any person specified in the order shall, for the purposes of this Act, be deemed to be, while so specified, an enemy.

Netherlands memorial.

This section gave reason for the following letter of the Netherlands Minister in London :

No. 4030.

London, 27th October 1939.

My Lord,

I am instructed by the Minister of Foreign Affairs to state that the Netherland Government have taken cognizance of the provisions of the Trading with the Enemy Act—notably of article 2 thereof—as well as of statutory order N°. 1166 specifying the persons who shall be deemed to be enemies within the meaning of that act.

The Netherland Government of course recognize that His Majesty's Government have the right to prohibit British subjects to trade with an enemy. When, however, neutrals can be classed as enemies, the question arises whether belligerent Governments—apart from exercising their rights under maritime prize law in the matter of carriage of contraband or evasion of blockade—would be justified in penalizing the legitimate trade of neutrals with belligerents by proclaiming what amounts to a compulsory boycott of such neutrals.

The provisions of article 2 sub (2) create the danger for a neutral trader in a neutral country to be classed as an enemy in cases where this would not be justified. The same article (sub c) contains unclear provisions which are liable to lead to unjust applications, to neutral individuals or enterprises.

The Netherland Government must therefore reserve the right to make representations if the rights of Netherland subjects are adversely affected by such or other British measures which would not be in accordance with international Law irrespective of any treaties existing between our two Governments.

I have the honour to remain,

with the highest consideration,

My Lord,

Your obedient Servant,

(sgd.) E. MICHIELS VAN VERDUYNEN.

The Right Honourable Viscount HALIFAX,
K.G., G.C.S.I. &c., &c., &c.

3. LONG DETENTION OF NETHERLANDS SHIPS.

Already immediately on the outbreak of the war the British Admiralty began to direct neutral ships to the Downs for examination as to contraband. The excessively long time of waiting for the examination, which caused Netherlands shipping great losses, gave reason for the taking of steps in London in order to curtail the delay of the Netherlands ships in the British ports. First an aide-memoire with annex was submitted to the British Government.

AIDE-MEMOIRE.

The unreasonable delay in the release of ships conveyed to the Downs or to a British port has given rise to very serious complaints from Netherland shipowners, who have approached the Netherland Government in the matter.

The strongest objection is raised against the measure that ships are completely cut off from communication with the shore, so that captains are unable to inform their shipowners where they are. This measure would seem especially aggravating ; telegrams from the captain should reach the censor and it is inconceivable that England's enemy should receive valuable information if informed of the whereabouts of a Dutch vessel.

Not a single interest would seem to be served by the extremely slow handling of the ships whilst on the other hand the Netherland Government are convinced that His Majesty's Government as the Government of a seafaring nation, realise the nuisance and the enormous damage done to neutral interests.

The Netherland Minister has the honour to request the cooperation of His Majesty's Principal Secretary for Foreign Affairs to do all in his power to remedy the situation which is viewed with growing concern by the Netherland Government.

London, 28th September 1939.

ANNEX.

The process to which cargoes from the detained vessels are subject is as follows :

The Admiralty calls in the boat and directs it to the Control Station. The Manifest and papers are taken off and dispatched to the Ministry of Economic Warfare, there examined to point out the contraband items which are then transcribed on special forms. A list is subsequently made up for the Contraband Committee ; this is passed on to the Procurator General's Department and from there to the Admiralty Marshal's Department who deal with the Customs. In last instance the Customs give instructions to the vessel's agents. In nearly every case the list which the Admiralty Marshal sends to the Customs has been found incorrect and has had to be returned for corrections pending which the Customs do not deal with the cargo.

The delays occasioned to the Dutch vessels have assumed excessive proportions. The London agents are unanimous in stating that the delays could be considerably reduced.

London, 28th September 1939.

Afterwards limitation of the loss of time was urged upon once more in the following letter :

N°. 3874.

18th October, 1939.

Sir,

I am informed by all the London agents of Netherland shipowners that their detained vessels continue to be subjected to excessive delays.

Extremely heavy losses are thus still inflicted on the Netherland shipping industry. I would point out that demurrage alone on a cargo vessel amounts to between £ 100 and £ 200 per day according to her type.

Netherland shipowners are greatly disturbed by the dilatoriness which is displayed in handling their vessels and cargoes and by the unbearable financial sacrifices which are exacted from them.

The greatest delay occurs—so the agents are unanimous in stating—between the time when a vessel arrives in the Downs and her being taken into port. Further avoidable delays occur at subsequent stages ; especially when “detained” cargo comes up for clearance.

A glaring case is that of the Rotterdam Lloyd Liner “Kota Baroe” which has now been held by your Department for over five weeks ; a similar case is that of the Holland-America Liner “Breedijk”, both having loaded before the declaration of war. Detentions during more than three weeks are—so I am informed—frequent.

I venture to call your attention to the profound disappointment of the Netherland shipowners at the lack of consideration which their interests are receiving.

I shall be grateful, if you will give this subject your personal attention and take such steps as to lead to some improvement in the most unsatisfactory conditions at present prevailing.

I am,

Sir,

Your obedient Servant,

(signed) E. MICHIELS VAN VERDUYNEN,
Netherland Minister.

R. H. CROSS, Esq., M. P.
Minister of Economic Warfare
W. C. 2.

On the 27th October the following reply to the aide-memoire printed above was received from the British Government :

N°. C 16807/15163/29.

Foreign Office, S.W. 1. 27th October, 1939.

Sir,

In a memorandum which you communicated to Sir ALEXANDER CADOGAN on September 28th you drew the attention of His Majesty's Government to the delays and inconvenience caused to Netherlands ships which are detained for examination in the United Kingdom ports under the British contraband control system. I now have the honour to inform you that most careful enquiries have been made and certain steps have been taken to minimise the delays and other difficulties of which the Netherlands shipowners have complained.

2. It will be appreciated that many of these difficulties arose in the early days of contraband control, when a shortage of boats and other facilities made communication with ships in the anchorage difficult. Instructions have now been sent to all contraband control bases that masters of detained ships should be urged to communicate with their consuls or agents. Arrangements have also been made whereby the Ministry of Economic Warfare informs your Legation as soon as a Netherlands vessel arrives at a contraband control base.

3. The delay in settling cases has been due to a large measure to the incompleteness of the ships' manifests, which has made widespread enquiries necessary before the goods could be either released, or released under guarantee, or seized in prize. Steps have accordingly been taken to bring to notice of the shipping companies the need for clear and complete manifests. It is also hoped that delays to shipping will be greatly reduced in cases where the shipowners arrange for the ships' manifests to be forwarded to the British contraband authorities in advance of the arrival of the ships in British waters. This should make it possible in many cases to complete the necessary enquiries concerning the destination of suspect items of cargo before the ship actually arrives. If the ship is found to contain items of contraband, it can then be directed to London or elsewhere to unload with as little delay as possible, whereas if there is no contraband on board, it can proceed without hindrance to its port of destination.

4. I understand, further, that agreement has been reached between your Legation and the Ministry of Economic Warfare as regards procedure for the disembarkation at London of passengers on homeward-bound Netherlands vessels so as to reduce to a minimum the inconvenience which they might suffer from the detention of their ships.

5. While it is hoped that the measures described above will go far to remove the grievances of the Netherlands shipowners, I must observe that the Netherlands Government could contribute to the avoidance of the delays to Netherlands ships if they would allow the shipowners to enter into an agreement similar to that concluded during the last war. Under that agreement the Netherlands shipowners undertook to hold in the Netherlands ports of destination such items of cargo as were consi-

dered to be suspect until such time as it was decided that they could be released. The shipowners at the same time undertook to return to the United Kingdom any items which it was eventually decided must be made the subject of proceedings in prize. It is clear that the conclusion of an arrangement on these lines would go far to eliminate delays.

6. In concluding I would observe that Netherlands ships have been detained which were carrying large quantities of contraband, so that His Majesty's Government have every reason to make careful investigations in each case.

I have the honour to be,

with the highest consideration,

Sir,

Your obedient Servant,

(For the Secretary of State)

(Sd) ROGER MAKINS.

4. ARREST OF PERSONS ON BOARD NETHERLANDS SHIPS.

It is not exclusively the carriage of goods in Netherlands ships that has entailed difficulties, the conveyance of persons has also suffered under the restrictions of the war. Several times passengers and members of the crews, possessing the German nationality, have been taken from Netherlands ships. Such cases have occurred both in France and Great Britain. Steps have been taken in Paris as well as in London to obtain the release of the persons arrested. As the grounds on which the release was requested were identical, only the memorial that was handed over in London is printed below.

No. 3342.

London, 28th September 1939.

My Lord,

I have the honour, in accordance with instructions received, to inform you that the Captain of the m.s. "Columbia" has communicated to his Shipowners that on the 12th September last 10 persons of German nationality have been taken from board at Southampton, nine of them belonging to the crew; their names are:

A. Bezemek, steward,
K. Drescher, steward,
G. Schmidt, chiefcook,
W. Herzog, steward,
F. F. Kleinschmidt, liftboy,
W. F. Krause, 3rd cook,
H. E. Schlottau, stoker,

H. J. Vohwinkel, laundryman,

J. Burmeister, steward,

Carl F. Alger, age 34, engineer, 2nd class passenger bound for Augsburg.

Article 47 of the London Declaration on Maritime Law of 1909 only allows a belligerent to take enemy subjects off neutral ships, in case persons are concerned "incorporés dans les forces armées de l'ennemi".

The history of this article leaves no doubt that the meaning of the stipulation was to exclude the taking off from neutral ships of enemy subjects who are reservists or who are on their way to their country either with or without the demonstrable purpose to join the fighting forces.

The Netherland Government are furthermore of opinion that even if the London Declaration could not be accepted as binding law, passengers of belligerent nationality, according to contemporary international law, cannot be taken off a neutral merchantman, if, as in the present case, the ship has been forced to the territorial waters of a belligerent by that belligerent. This would seem to apply even more when persons not liable to conscription are concerned, or so called non-Aryans who have left Germany some time ago and who cannot return consequently.

I have the honour to request you to be good enough to approach the Authorities concerned with a view to obtaining the release of the crew and passengers mentioned above at as early a date as possible and have the honour to remain,

with the highest consideration,

My Lord,

Your obedient Servant,

(signed) E. MICHIELS VAN VERDUYNEN.

The Right Honourable Viscount HALIFAX,
K.G., G.C.S.I., &c., &c., &c.

5. HINDRANCE OF POSTAL TRAFFIC.

Among the various hindrances of the traffic, the hindrance of postal traffic should be mentioned. Hindrances of this character gave reason for the three following letters from Her Majesty's Minister in London to the British Minister for Foreign Affairs.

No. 3233.

London, the 25th September 1939.

My Lord,

I have the honour, in accordance with instructions received, to inform you that the Holland-America Line has informed the Netherland Government that all mail bags destined for Germany and Dantzig o/b the "Nieuw Amsterdam", numbering 145 have been removed and taken

into custody, while the ship was lying at the Downs. My Government are of opinion that this confiscation is contrary to article 1 of the 11th treaty of The Hague of 1907, regarding certain restrictions on the exercise of Prize law at sea. This article stipulates that correspondence from neutrals to belligerents is inviolable, when found on board neutral or belligerent ships at sea, it being immaterial whether the character of the correspondence is official or private. My Government are furthermore of opinion that the fact that a ship carrying the mail enters belligerent territorial waters or ports leaves this inviolability unimpaired. The inviolability should in their view certainly have been respected in this particular case, as British obstruction to shipping in the Channel and the orders from British authorities forced the "Nieuw-Amsterdam" to proceed to the Downs.

The treaty is applicable to the present case as all belligerents are contracting Parties (art. 9).

I have the honour to remain,

with the highest consideration,

My Lord,

Your obedient Servant,

(signed) E. MICHIELS VAN VERDUYNEN.

The Right Honourable Viscount HALIFAX,
K.G., G.C.S.I. &c., &c., &c.

No. 3417.

London, 4th October 1939.

My Lord,

With reference to my note of the 25th September last, No. 3233, regarding the seizure of mail bags o/b the s.s. "Nieuw-Amsterdam", I have been instructed and have the honour to draw your attention to the seizure at Southampton of mail bags destined for Hamburg from the m.s. "Columbia" and of mail destined for Belgium from the s.s. "Pennland". Both these ships had also been conveyed to British territorial waters by the British Naval Authorities. The Netherland Government are of the opinion that in these cases art. 1 of the XIth Treaty of The Hague of 1907, stipulating that correspondence from neutrals to belligerents is inviolable when found on board neutral or belligerent ships at sea, it being immaterial whether the character of the correspondence is official or private, is likewise applicable.

In addition to the above mentioned cases I have the honour to bring to your notice that 20 mail bags from the Netherlands-Indies destined for Germany were taken from the s.s. "Marnix van St. Aldegonde" by the censor at Colombo. Information has also been received that on the 2nd September last mail has been seized by the censor at Singapore from one of the K.P.M. ships en route from Tandjong Priok to Medan ;

this mail was released however, pending telegraphic instructions from London, after the Netherland Consul General at Singapore had intervened.

It may be noted that the calls both of the "Marnix van St. Aldegonde" and of the K.P.M. ship at Colombo and Singapore respectively were part of their regular schedule. As I had the honour of informing you in my note of the 25th September last, the Netherland Government are of the opinion that the inviolability of mails remain unimpaired, even if the mailcarrying ships enter belligerent territorial waters or ports voluntarily. Having regard to the wording of the articles 1 and 2 of the treaty, my Government hold the view that it was intended in 1907 to avoid interference or delay in the despatch of the mail by belligerents. Therefore the inviolability of the mail should be respected in an absolute sense, i.e. it is indifferent whether mailcarrying ships are on the high seas or within belligerent territorial waters, either voluntarily or having been conveyed there. Neither in the case of the "Marnix van St. Aldegonde" and still less in the case of the K.P.M. ship can the Netherland Government admit that the bare fact that these ships entered a British port in transit, while the mail on board was not entrusted to the British postal service, give any justification to a belligerent Power to apply acts of censorship on that mail.

I have the honour, in accordance with instructions received, to urge that return as soon as possible be made of the mail bags seized from the "Marnix van St. Aldegonde" at Colombo or alternatively to have them forwarded to their destination.

I have likewise been instructed and have the honour to request that His Majesty's Government give me the assurance that measures be taken to ensure that in future mail carried on board Netherland ships entering British territorial waters or calling at British ports either in the United Kingdom or in Overseas territories, be not interfered with.

I have the honour to remain,

with the highest consideration,

My Lord,

Your obedient Servant,

(signed) E. MICHIELS VAN VERDUYNEN.

The Right Honourable Viscount HALIFAX,
K.G., G.C.S.I. &c., &c., &c.

No. 4160.

London, 28th October 1939.

My Lord,

I regret to inform Your Excellency that the Governor General of the Netherlands Indies has wired to my Government that the airmail of the plane of the K.L.M. "Nandoe" on her home journey was held up

by the censor at Singapore. The airmail contained mail for the Netherlands, mail from Semarang for Medan and mail for abroad.

Under instructions of my Government I have the honour to protest against this interference. Your Excellency will be fully aware of the great inconvenience and delay this arbitrary measure means for the airmail connections between the Netherlands and the Netherlands-Indies. The censorship by a country of an intermediate port is in conflict with the universally recognised freedom of transit necessary for countries with postal communications and even more so for the communication between the Netherlands and the Netherlands Indies. The above measure seems moreover hardly in compliance with the friendly relations existing on matters of airtransit between our territories.

I have the honour to request the cooperation of Your Excellency for an immediate release of the airmail now under censorship of the Netherlands Indies with destination for the Netherlands and Medan. I beg to add that my Government should greatly appreciate an early reply.

I have the honour to remain,

with the highest consideration,

My Lord,

Your obedient Servant,

(signed) E. MICHIELS VAN VERDUYNEN.

The Right Honourable Viscount HALIFAX,
K.G., G.C.S.I. &c., &c., &c.

CHAPTER VI.

MISCELLANEOUS.

I. CO-OPERATION WITH THE OSLO STATES.

In so far as the war conditions raise problems which present themselves in an identical manner for the neutrals, contact is regularly kept with other neutral Powers, particularly with the Oslo States. The problems, however, are almost always somewhat different for the various countries, so that, even though the principles followed are identical, shades of differences remain. Naturally, the mutual communications concerning various common problems are of a confidential nature. Up to the present they do not lend themselves to publication.

In the sphere of economics, discussions took place between the representatives of the Oslo States on the 11th and 12th of September.

2. THE FLAG PROHIBITION.

In connection with, and in order to maintain, the neutrality proclaimed by the Government, in the state of war existing between some foreign Powers, it was necessary to prohibit the flying of foreign flags. Following the Proclamation of Neutrality, the Ministers of Foreign Affairs, of Home Affairs, of Justice, of Defence, and of Buildings and Roads, thereto empowered by the Queen, have laid down the following to that end:

Article 1.

In the jurisdiction of the Kingdom in Europe, the placing or keeping of national flags of foreign Powers in public is prohibited.

Article 2.

This prohibition shall not apply:

a. With respect to flags either on or at buildings, or on grounds belonging thereto, of legations or consulates of foreign Powers, whether on or at buildings and grounds used by diplomatic and consular representatives of such Powers, or on the means of conveyance they make use of;

b. with respect to flags on foreign warships, sea-going vessels and inland vessels.

This prohibition was published in the *Nederlandsche Staatscourant* (Netherlands State Gazette) of the 19th September, 1939, No. 183.

3. PROTECTION OF FOREIGN INTERESTS.

In the course of the conflict, the Netherlands Government has undertaken the protection of the following foreign interests:

a. The German interests in:

1. Poland,
2. The Union of South Africa,
3. North and South Rhodesia,
4. Nigeria and the British mandated territory Cameroon,
5. Straits Settlements and dependencies,
6. Hong Kong, while
7. the protection of some interests that were already in existence have been maintained, thus also the protection of the German interests in Morocco.

b. the French interests in:

1. Danzig,
2. Dusseldorf,
3. Innsbruck.